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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,038	12/08/2005	Vittorio Quaggiotti	A-9798	8329

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ARLINGTON, VA 22202-3843

EXAMINER
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COOLMAN, VAUGHN

ART UNIT	PAPER NUMBER
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3618

MAIL DATE	DELIVERY MODE
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11/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/560,038

Applicant(s)

QUAGGIOTTI, VITTORIO

Examiner

Vaughn T. Coolman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051208</u>  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Objections***

Claim 4 is objected to because of the following informalities: line 3 positively recites “a rear one”. Examiner respectfully suggests amending to read “a rear half-member”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with errors – an example of which with respect to claim 1 is described below. The example is not an exhaustive list of the errors that are found throughout the claims.

Claim 1 recites the limitations “the end of which”, “the front jaw”, “the binding”, the section, “the tip curvature”, “the connection”, “said transverse horizontal direction”. There is insufficient antecedent basis for these limitations in the claim.

Applicant is requested to thoroughly review the claim language and make appropriate corrections.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe (U.S. Patent No. 5,820,154).**

**[claim 1]** Howe discloses a downhill ski including a thrust support including a superstructure having a base member, connected to a central region of the ski, and a front prolongation (14), the end of which exerts elastically a concentrated downward thrust action on a point (center of 18) in that portion of the ski between the front jaw (not shown) of the binding and the section where the tip curvature commences (shown in FIG 2), the connection (20) of the end of the said front prolongation (14) to said ski being of the type acting as a bilateral support and a hinge of transverse-horizontal axis, able to inhibit mutual movements in a vertical direction, but such as to enable mutual rotation about said transverse-horizontal direction (flexing independently) and mutual sliding in a longitudinal direction.

**[claim 2]** Howe further shows the thrust support acting on a point substantially at the centre of that portion between the front jaw of the binding and the section where the tip curvature commences.

**[claim 3]** Howe further shows the thrust support acting on a point situated in the rear half of that portion between the front jaw of the binding and the section where the tip curvature commences.

[claim 4] Howe further shows the base member being split into two members, namely a rear half-member capable of raising the heel of the binding, and a front half-member below the front part of [a ski] boot.

**Claims 1-4, are rejected under 35 U.S.C. 102(b) as being anticipated by Kruajitch (U.S. Patent No. 6,616,171 B2).**

[claim 1] Kruajitch discloses a downhill ski including a thrust support including a superstructure having a base member, connected to a central region of the ski, and a front prolongation (30), the end of which exerts elastically a concentrated downward thrust action on a point in that portion of the ski between the front jaw (5) of the binding and the section where the tip curvature commences (not shown), the connection (31-33) of the end of the said front prolongation to said ski being of the type acting as a bilateral support and a hinge of transverse-horizontal axis, able to inhibit mutual movements in a vertical direction, but such as to enable mutual rotation about said transverse-horizontal direction (flexing independently) and mutual sliding in a longitudinal direction.

[claim 2] Kruajitch further shows the thrust support acting on a point substantially at the centre of that portion between the front jaw of the binding and the section where the tip curvature commences.

[claim 3] Kruajitch further shows the thrust support acting on a point situated in the rear half of that portion between the front jaw of the binding and the section where the tip curvature commences.

[claim 4] Kruajitch further shows (FIGS 6 and 7) the base member being split into two members, namely a rear half-member capable of raising the heel of the binding, and a front half-member below the front part of [a ski] boot.

[claim 6] Kruajitch further shows the front half-member (shown in FIG 2) being hinge-connected (26, 27, 29) to [a] central region at a point to the rear of the front jaw (5).

[claim 7] Kruajitch further shows the connection consisting of a hinge slotted (32) in a horizontal plane.

**Claims 1, 4, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Boehm et al (U.S. Patent No. 5,704,628).**

[claim 1] Boehm discloses a downhill ski including a thrust support including a superstructure having a base member, connected to a central region of the ski, and a front prolongation (7), the end of which exerts elastically a concentrated downward thrust action on a point in that portion of the ski between the front jaw (3) of the binding and the section where the tip curvature commences, the connection (9 – FIG 13) of the end of the said front prolongation to said ski being of the type acting as a bilateral support and a hinge of transverse-horizontal axis, able to inhibit mutual movements in a vertical direction, but such as to enable mutual rotation about said transverse-horizontal direction (flexing independently) and mutual sliding in a longitudinal direction.

[claim 4] Boehm further shows (FIGS 8-10) the base member being split into two members, namely a rear half-member capable of raising the heel of the binding, and a front half-member below the front part of [a ski] boot.

**[claim 8]** Boehm further shows the front prolongation being independent, being connected at its rear to the front portion of said base member by a hinge (8) and is provided with a retro-prolongation (4 – FIG 8) which extends from said hinge and acts as a reacting element on the base member by means of a counteracting element (9 – FIG 12).

**[claim 9]** Boehm further shows the front prolongation being independent, being connected at its rear to the front portion of said base member by a hinge (8) and is provided with a retro-prolongation (7 – FIG 10) which extends from said hinge and acts as a reacting element on the ski by means of a counteracting element (9).

**Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (U.S. Patent No. 6,857,653 B2).**

**[claim 1]** Wilson discloses a downhill ski including a thrust support including a superstructure having a base member (15), connected to a central region of the ski, and a front prolongation (15a), the end of which exerts elastically a concentrated downward thrust action on a point in that portion of the ski between the front jaw (18) of the binding and the section where the tip curvature commences (23), the connection (17) of the end of the said front prolongation to said ski being of the type acting as a bilateral support and a hinge of transverse-horizontal axis, able to inhibit mutual movements in a vertical direction, but such as to enable mutual rotation about said transverse-horizontal direction (flexing independently) and mutual sliding in a longitudinal direction.

**[claim 5]** Wilson further shows the front prolongation and at least the front portion of the base member forming a monolithic entity.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Kruajitch.**

[claim 8] Kruajitch further shows the front prolongation being independent, being connected at its rear to the front portion of said base member by a hinge (76) and is provided with a retro-prolongation (remainder of 4) which extends from said hinge and acts as a reacting element on the base member (20) by means of a counteracting element (21). The combination of the two embodiments of Kruajitch would have been obvious to one of ordinary skill in the art at the time the invention was made because the combination could be constructed and would act in a predictable manner.

[claim 9] Kruajitch further shows the front prolongation being independent, being connected at its rear to the front portion of said base member by a hinge (8) and is provided with a retro-prolongation (remainder of 4) which extends from said hinge and acts as a reacting element on the ski (3) by means of a counteracting element (21). The combination of the two embodiments of Kruajitch would have been obvious to one of ordinary skill in the art at the time the invention was made because the combination could be constructed and would act in a predictable manner.



**Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Kruajitch in view of Howe.**

[claim 11] Kruajitch discloses all of the elements of the claimed invention as described above except for the counteracting element being of adjustable feed. Howe teaches counteracting elements of a similar nature to that of Kruajitch wherein the counteracting element (12) is of an adjustable feed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Kruajitch with the adjustability as taught by Howe in order to provide the advantage of finer tuning of the flexibility and reactive characteristics of the ski.

[claim 12] Kruajitch further shows the counteracting element (21) having a substantially elastic insert being associated therewith (counteracting element is an elastic insert).

[claim 13] Kruajitch further shows the insert (21) being formed of high-resistance rubber (viscoelastic material).

[claim 14] Kruajitch discloses all of the elements of the claimed invention as described above except for the counteracting element being of adjustable feed. Howe teaches counteracting elements of a similar nature to that of Kruajitch wherein the counteracting element (12) is of an adjustable feed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Kruajitch with the adjustability as taught by Howe in order to provide the advantage of finer tuning of the flexibility and reactive characteristics of the ski.

[claim 15] Kraupich further shows the counteracting element (21) having a substantially elastic insert being associated therewith (counteracting element is an elastic insert).

***Allowable Subject Matter***

Claims 10, 16, and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action (claims are replete with 112 errors as stated above) and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

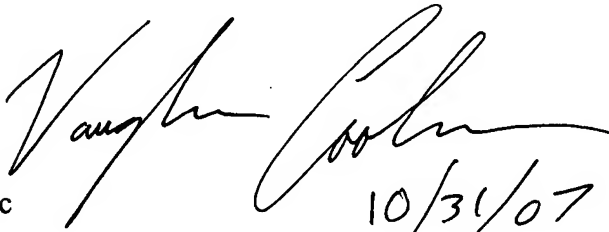
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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vtc  
10/31/07

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